

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.17850 OF 1997

DATED: 19-12-2006

Between :

1. Jambula Chandraiah and 10 others. ... Petitioner

And

1. The Forest Range Officer at Mohammadabad
Mandal : Gaded, District : Rangareddy
And others. .. Respondents

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ORDER :

This writ petition is filed aggrieved by the alleged action of the respondents in interfering with the possession of the petitioners in respect of the land situated in Sy.Nos.210, 211, 238, 208, 187/20, 211 and 187/11 of Kothapally Village, Kulkacharla Mandal, R.R. District. It is stated that the petitioners have been in possession and enjoyment of the land in question for the past more than 40 years and they were also issued title deeds and pattadar pass books.

While so on 30-6-1997 the 1st respondent – Forest Range Officer of Mohammadabad had interfered with the agricultural operations under the guise of conducting survey for the purpose of forest plantation. Though the petitioners made representations dated 3-7-1997 and 16-7-1997 bringing the high-handed action of the 1st respondent to the notice of the respondents 2 and 3, no steps were taken. Apprehending that they would be dispossessed by the respondents forcibly, this writ petition has been filed with the above prayer.

On behalf of the respondents, a counter-affidavit has been filed denying the title and possession claimed by the petitioners. It is stated that out of the agricultural land situated in Sy.Nos.187, 138, 208, 210 and 211 most of the area was declared as Reserved Forest area and the same was published in Hyderabad Gazettee dated 13-4-1953. The land in respect of which the petitioners are claiming title and possession is also included in the land covered by the said

notification. The allegation that the 1st respondent had conducted survey by marking the linings in the land of the petitioners was denied and it is pleaded that the Reserved Forest boundaries are already in existence and it is under the control and supervision of the Forest Department. It is alleged that the petitioners were trying to encroach upon the Reserved Forest area and when they were prevented by the respondents, this Writ Petition has been filed with all false claims.

This Court while directing Rule Nisi, ordered stay of dispossession of the petitioners on 1-8-1997. The said order continued to be in force throughout.

Heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents.

From the material on record, it is clear that there is a dispute not only about the title and possession of the land in question but also with regard to the identity and demarcation of the same. Such a disputed question of fact cannot be enquired into and decided by this Court in exercise of jurisdiction under Article 226 of the Constitution of India. If the petitioners are aggrieved by the alleged interference by the respondents they ought to have worked out the appropriate common law remedy.

In the circumstances, the petitioners are granted liberty to work out the appropriate remedy before the proper forum by producing the necessary evidence to support their title and possession.

However, keeping in view the interim order granted by this Court dated 1-8-1997, it is made clear that the Status Quo obtaining as on today shall be maintained for a period of four months from today.

Writ Petition is accordingly disposed of. No costs.

G. ROHINI, J.

Dt. 19-12-2006
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